

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD YOUNG,)	
Plaintiff,)	Civil Action No. 04-407
)	Judge Joy Flowers Conti /
vs.)	Magistrate Judge Lisa Pupo Lenihan
)	
JEFFREY BEARD; CATHERINE C.)	
MCVEY; DAVID GOOD; CAROL SCIRE,)	
JAMES META; TOM MORANT and)	
JOAN DELIE; EUGENE GINCHEREAU;)	
EDWARD V. SWIEREZEWski;)	
KENNETH LENTZ; and THOMAS)	
KRACZON,)	
Defendants.)	

ORDER

Whereas, on October 12, 2005 Plaintiff filed a Motion to Set Down a Scheduling Order.

Whereas, the undersigned filed a Report and Recommendation to the District Judge regarding the pending Motion for Summary Judgment filed by three of the Defendants on December 5, 2005; and

Whereas, on December 6, 2005, following its Report and Recommendation on the pending motion, the Court found it timely, and did, in fact, enter a scheduling order; therefore,

IT IS HEREBY ORDERED this 6th day of December, 2005 that Plaintiff's Motion to Set Down a Scheduling Order is hereby **DISMISSED** as moot.

IT IS FURTHER ORDERED that in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(A), and Local Rule 72.1.3, the parties are allowed ten (10) days from the date of service to file an appeal from this order to the District Court. Failure to timely file an appeal may constitute a waiver of any appellate rights.



LISA PUPO LENIHAN
U.S. Magistrate Judge

cc: Richard Young
EP-8117
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